

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A
JUDGE, NO. 02-487

Case No.: SC03-1171

**RESPONDENT'S FIRST SET OF
REQUESTS FOR PRODUCTION TO THE COMMISSION**

Respondent, Judge Gregory P. Holder ("Respondent"), by counsel and pursuant to Rule 1.340, Florida Rules of Civil Procedure, gives Notice that Respondent's First Set of Requests for Production to the Florida Judicial Qualifications Commission was prepared using Microsoft Word, Times New Roman, 14-point font, and complies with the font requirement stated in Fla. R. App. P. 9.210(a)(2), and was previously served on August 11, 2003, by facsimile and United States Mail on: JQC Special Counsel, Charles P. Pillans, III, Esq., Bedell Ditmar DeVault Pillans & Coxe, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 32202; and to JQC General Counsel, Thomas C. MacDonald, Jr., 1904 Holly Lane, Tampa, FL 33629.

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SCHEDULE "A"

I. DEFINITIONS AND INSTRUCTIONS

1. “Commission,” “you,” and/or “yours,” will refer to the Judicial Qualifications Commission, including any of its members, employees, representatives, consultants, and agents and all other Persons acting or purporting to act on its behalf.
2. “Respondent,” will refer to Judge Gregory P. Holder.
3. “Inquiry,” will refer to the action styled Inquiry Concerning a Judge, pending before the Florida Judicial Qualifications Commission and assigned Supreme Court Case No.: SC03-1171.
4. The term “Knowledge” includes actual, imputed, constructive, and inquiry knowledge, awareness, perception, and/or notice.
5. The term “Person” will refer to and will include, without limitation and in the singular as well as in the plural, natural Persons, partnerships, joint ventures, corporations, limited liability entities, companies, firms, groups, associations, estates, trusts, and all other organizations and entities, unless the context specifically indicates otherwise. Any reference to a Person will include his, her, or its agents, assigns, attorneys, consultants, directors, officers, employees or any other authorized representative.
6. The term “Communications” will refer to and will include, without limitation and in the singular as well as in the plural, all conversations, telephone conversations, statements, discussions, debates, arguments, discourses, colloquies, interviews, consultations, and every other kind of oral utterance.
7. To “identify” a Communication will mean to:
 - a. Identify each Person present, involved, and/or with any Knowledge;
 - b. State the date thereof;
 - c. State how the Communication was made (*e.g., by telephone, person-to person, etc.*);
 - d. State where the Communication was made (*and, e.g., if by telephone or other device, where each Person involved actually participated*);
 - e. State the substance of what was communicated by each Person present and/or involved;
 - f. State whether any Document was prepared (*at any time*) which records, sets forth, summarizes, refers to, or otherwise relates to that Communication and, if so, identify that document.

8. “Documents” refers to and will include, without limitation and in the singular as well as in the plural, any handwritten, sketched, painted, drawn, traced, illustrated, typed, printed, recorded, graphical, electronic, digital, analog, optical, and/or other depiction, delineation, portrayal reflection projection description reproduction, representation or presentation of information of any kind whatsoever, however created, depicted or stored (*e.g., on computer, disk, diskette, CD, tape, Zip®, Jaz®, hard, network or other drive; and/or by photographic, mechanical, digital, optical, electronic, or any other means*), of any type or description, including all drafts, originals, identical and non-identical copies (*in whole or in part*), and includes, without limitation: all memoranda, letters, postcards, facsimile messages, telex messages, telegrams, intra-office and interoffice Communications, electronic mail, correspondence, notes, pamphlets, diaries, records of every kind, tapes and other sound recordings, transcripts, contracts, agreements, books, reports, catalogs, financial statements, books of account, journals, ledgers, data processing cards, other data processing materials, data sheets, photographs, photostats, microfilm, videotapes, maps, directives, bulletins, circulars, notices, messages, tabulations, economic or statistical studies, surveys, statements, summaries, opinions, analyses, evaluations, diaries, lists, polls, transcripts, minutes, agendas, instructions, requests, cancelled checks, calendars, desk pads, appointment books, scrapbooks, notebooks, specifications, drawings, diagrams, sketches and writings, documents, and evidences of other Communications of every kind and character.
9. To “identify” a Document will mean to:
 - a. State its customary business description;
 - b. State its number (*if any*) (*e.g., invoice or purchase order number*);
 - c. State its date;
 - d. Identify the addressor(s) or sender(s) (*if any*);
 - e. Identify the addressee(s) or recipient(s) (*if any*);
 - f. Identify the custodian if such Document, or a copy thereof, is in Plaintiff’s possession, custody, or control;
 - g. Identify all Persons that possess, have custody of, or have control over such Document or any copy thereof;
 - h. State the substance of the subject matter of each such Document.
10. If a person, fact, oral communication, or document is mentioned or referred to in response to more than one of these interrogatories, you need not completely identify him, her, or it in every such instance, provided that you supply a complete identification in one such instance and in all other such instances make specific reference to the place, by page and paragraph, in your responses to these production requests, where he, she, or it is fully identified.

11. The term “including” does not limit the response to the document request.
12. The term “relating to” or “relative to” means, in whole or in part, constituting, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.
13. The terms “and” and “or” have both conjunctive and disjunctive meanings.
14. The terms “any” and “all” mean “each” and “every.”
15. All references to years mean calendar years. If calendar year information is not available, supply fiscal year data indicating the twelve- month period covered.
16. The term "facts" refers to and includes, without limitation and in the singular as well as in the plural, natural persons, partnerships, joint ventures, corporations, limited liability entities, groups, firms, associations, trusts, estates, and all other organizations and entities, unless the context specifically indicates otherwise.
17. In producing Documents responsive to this Request for Production of Documents, you should produce Documents in full, without abridgement, abbreviation, modification, or editing of any sort.
18. All Documents shall be segregated in accordance with the numbered and lettered paragraphs and subparagraphs of this request.
19. All Documents which are withheld from production on the basis of a claim of privilege or other decisional, statutory, or other authority shall be listed in accordance with the procedure described above, and shall be identified by:
 - (a) Author(s);
 - (b) Addressee(s);
 - (c) Date;
 - (d) Type of Document;
 - (e) Subject matter;
 - (f) Number of pages;
 - (g) Number of attachment or appendices;
 - (h) Indicated or blind copies;
 - (i) All persons to whom shown or explained;
 - (j) Present custodian; and

- (k) Factual, legal, or other bases upon which the Document has been withheld.
20. All Documents requested which have been destroyed, disposed of, or otherwise placed beyond your control, shall be identified by:
- (a) Author(s);
 - (b) Addressee(s);
 - (c) Date;
 - (d) Type of Document;
 - (e) Subject matter;
 - (f) Number of pages;
 - (g) Number of attachments or appendices;
 - (h) Indicated or blind copies;
 - (i) All persons to whom shown or explained;
 - (j) Date of destruction or other disposition;
 - (k) Reason for destruction or other disposition;
 - (l) Person authorizing destruction or other disposition; and
 - (m) Person destroying or otherwise disposing of Document and if not destroyed, person(s) in possession, custody, or control of Document.

II. DOCUMENTS TO BE PRODUCED

- 1. All Documents that support, refute, or relate to the allegations contained in the Notice of Formal Charges in the Inquiry.
- 2. All Documents that you will or may introduce during one proceeding relating to the inquiry.
- 3. All Documents relating in any way to the authenticity of Exhibit A to the Notice of Formal Charges.
- 4. All Documents relating to any written or recorded statement of any Person who has or is believed to have any knowledge of Facts that relate to the Inquiry.

5. All Documents Identified in response to Respondent's Interrogatories to the Commission.
6. All Documents not produced in response to any of the foregoing paragraphs but which evidence or otherwise relate in any way to the Inquiry.